

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CHARLES ALLEN	§	
v.	§	CIVIL ACTION NO. 9:07cv108
NATHANIEL QUARTERMAN, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Charles Allen, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The lawsuit was transferred to this Court from the U.S. District Court for the Southern District of Texas. Along with the lawsuit, Allen filed a motion for a temporary restraining order or preliminary injunction. On May 11, 2007, the Magistrate Judge entered a Report recommending that Allen's request for injunctive relief be denied. Allen has filed motions seeking to have his request for injunctive relief transferred back to the Southern District, despite the fact that he seeks this relief against officials at the Eastham Unit, which is within the Eastern District of Texas.

Allen has also filed objections to the Magistrate Judge's Report. These objections also argue that the motion is properly heard in the Southern District, and says that the Eastern District of Texas has no jurisdiction over his motion. He also argues that he faces a risk of irreparable injury because he is being refused medical care at the Eastham Unit, and that he is being subjected to acts of retaliation, although he offers no specific facts regarding this assertion.

The Magistrate Judge determined that Allen failed to show that he had a great likelihood of success on the merits of his claims, and that Allen acknowledged that he saw the medical staff regularly and that he is receiving medication for his ailments. The Magistrate Judge stated that Allen's disagreements with the medical staff was not an adequate basis for the granting of injunctive relief and that federal courts are reluctant to involve themselves too deeply in matters of state prisoner classification. Allen's objections fail to address the specific findings or conclusions of the Magistrate Judge and are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all relevant documents and filings in the record, including the Plaintiff's request to transfer his request for injunctive relief back to the Southern District of Texas. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit, and that a transfer of the request would not be appropriate in that the Plaintiff is seeking relief against prison officials located in the Eastern District of Texas. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (docket no. 4) as well as the Plaintiff's requests for a transfer of this motion back to the Southern District of Texas are hereby DENIED.

So **ORDERED** and **SIGNED** this **5** day of **June, 2007**.



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Ron Clark, United States District Judge